

## REMARKS

Claims 1-28 are currently pending in the application. Claims 1-4 and 15 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. Des. 257,962, to Youdelman et al (Youdelman). Claims 5 and 6 stand rejected under 35 USC §103 as obvious over Youdelman in view of U.S. Patent No. 6,845,580 (Noble). Claims 7-13 stand rejected under 35 USC §103 as obvious over Youdelman in view of U.S. Patent No. 1,953,796 (Crocker). Claims 14 and 16-20 stand rejected under 35 USC §103 as obvious over Youdelman in view of U.S. Patent No. 2,369,988 (Steckler) and further in view of U.S. Patent No. Des. 116,049 (Noth). Claims 21-28 stand rejected under 35 USC §103 as obvious over Youdelman in view of Crocker.

Reconsideration of the rejection of claims 1-28 is respectfully requested.

Claim 4 characterizes the wall as comprising the first layer with a front and rear with at least a portion of the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo applied to the rear of the first layer and viewable through the first layer at the front of the first layer.

Youdelman, as a design patent, is limited in its disclosure to that shown in the drawings. The drawings do not show any corresponding image on a rear surface of a layer through which an image is viewable at the front of this layer. Accordingly, Youdelman does not anticipate claim 4 as alleged by the Examiner. Further, based on Youdelman, there is no motivation for one skilled in the art to derive the structure recited in claim 4.

Claim 4 has been rewritten in independent form and is believed allowable.

Before addressing the remaining rejections, Applicant wishes to make a general comment with respect to Noble and Crocker, and thus the rejections based thereon.

In various of the claims, the apparatus is characterized as having a surface which reflects an image of an object located at the front of the wall. Noble, while directed to “reflective signage” is not concerned with structure for reflecting of an image of an object in front of the signage. Instead, as noted in the Abstract, “the reflected layer is structured to reflect light through the optically transmissive layer to augment the contrast between the interior portion and the border to thereby enhance the visibility of the message”.

In other words, Noble is not directed to structure for reflecting an image in front of the signage but rather to a sign that has a message that is highlighted by impinging light. This technology appears to parallel existing road sign technology that uses reflection to highlight printing thereon. No image reflection is contemplated.

With respect to Crocker, it does not appear that there is any surface that is viewable through a layer from the front of the mirror. Instead, the only exposed surfaces appear to be the surfaces 11 and 16, with the former being a “coat of silver” (page 1, line 79) and the latter being a “metal back” (page 2, line 46).

In short, it is respectfully submitted that neither of Noble nor Crocker is obviously combinable with the other art cited by the Examiner in rejecting any of the claims.

Claim 1 has been amended to characterize the image as at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo on the wall that is in addition to the graduations. This image is something that can be viewed in conjunction with the graduations at the front of the device.

The Examiner has taken the position that the graduations in Youdelman represent the depiction of two rulers. Youdelman does not teach or suggest anything in addition to the actual measuring graduations that could be viewed in conjunction with the graduations as recited in claim 1.

Accordingly, claim 1 is believed allowable.

Claims 2, 3 and 15 depend cognately from claim 1 and recite further significant structural detail to further distinguish over the prior art.

Claims 5 and 6 depend cognately from claim 4 and further characterize the first layer.

As noted above, since Noble is not concerned with a structure capable of reflecting an image of an object in front thereof, it would not be obvious to combine Noble and Youdelman. If one were to make this combination, one would logically have either a structure that is capable of reflecting an image, as Youdelman suggests, or one that is designed to highlight a predetermined message as described by Noble. There is no suggestion in either reference to combine features to arrive at the claimed structure.

Claims 7-13 depend cognately from claim 4 and recite further significant structural detail to further distinguish over the prior art. Each of claims 8-13 includes the limitations of claim 7, wherein the first layer is characterized as having a rear that is coated with a first material that is viewable through the first layer and reflects an image of the object located in front of the first layer.

As noted above, Crocker appears to have exposed surfaces that are metal so as not to be light transmissive. Consequently, one would not logically combine Youdelman with Crocker. If one did so, one would put a reflective metal on the front surface of

Youdelman's structure. This is not what is recited in claim 7 or any of claims 8-13, which depend directly or indirectly therefrom.

In rejecting claims 14 and 16-20, the Examiner relies on Steckler and Noth, in combination with Youdelman.

A unique aspect of the structure recited in Applicant's amended claim 1, from which these claims depend, is that a user in front of the apparatus can view his/her image together with i) the image that is at least one of one of the depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo, additionally together with the graduations. Steckler and Noth are concerned only with non-reflective structures for monitoring growth. Applicant submits that the motivation to combine Steckler and North with Youdelman would have to come from applicant's own teachings, since the three references together lack any teaching or suggestion thereof.

Claims 21 and 22 all require the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo to be located between first and second layers so as to be viewable from in front of the wall through the first layer.

As noted above, Youdelman is silent with respect to the construction of the height measuring device therein. Crocker does not teach any layer with an image, between layers, that is viewable from in front thereof through a layer.

Claim 23 and claims 24-28, which depend therefrom, also require coating of the rear of a first layer viewable through the first layer. The combined teachings of Youdelman and

Crocker do not teach or suggest such a structure. These claims include additional detail which further distinguishes over the cited art.

Claim 28 has been amended similarly to claim 1 to characterize the image as being in addition to the graduations. This even further distinguishes over the cited art.

Reconsideration of the rejection of claims 1-28 and allowance of the case are requested.

Respectfully submitted,

By   
John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ,  
CLARK & MORTIMER  
500 W. Madison St., Suite 3800  
Chicago, IL 60661  
(312) 876-1800

Date: Nov 10, 2005